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Renee F. Lanam, Peter T. Ferris, Brandi Galvin Morandi,
Scott Kriens, Louis J. Lavigne, Jr., and Gary Hromadko,
and Nominal Defendant Equinix, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN DROSKOKSKI, Derivatively on Behalf
of EQUINIX, INC.,

Plaintiff,

v.

PETER F. VAN CAMP, KEITH D. TAYLOR,
SUSHIL KAPOOR, MARJORIE S.
BACKAUS, RENEE F. LANAM, PETER T.
FERRIS, BRANDI GALVIN MORANDI,
PHILIP J. KOEN, SCOTT KRIENS, LOUIS J.
LAVIGNE, JR., STEVEN T. CLONTZ,
STEVEN P. ENG, and GARY HROMADKO,

Defendants,

- and -

EQUINIX, INC., a Delaware Corporation,
Nominal Defendant.

Case No. C 06-6421-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING BRIEFING
SCHEDULE**

1 This Stipulation is entered into by and among plaintiff John Droskopski ("Plaintiff"),
2 individual defendants Peter F. Van Camp, Keith D. Taylor, Sushil Kapoor, Marjorie S. Backaus,
3 Renee F. Lanam, Peter T. Ferris, Brandi Galvin Morandi, Scott Kriens, Louis J. Lavigne, Jr., and
4 Gary Hromadko, and nominal defendant Equinix, Inc. (collectively, "Defendants").

5 WHEREAS, pursuant to the Court's order dated January 3, 2007 ("January 3, 2007
6 Order"), Defendants' responses to Plaintiff's complaint ("Complaint"), and any motions to
7 dismiss the Complaint, are due no later than March 5, 2007, and a briefing schedule was
8 established for any such motions to dismiss;

9 WHEREAS, nominal defendant Equinix, Inc. ("Equinix") intends to move to dismiss the
10 Complaint on the ground that Plaintiff lacks standing to sue on Equinix's behalf because, among
11 other things, Plaintiff did not make a pre-suit demand on Equinix's Board of Directors ("Equinix
12 Standing Motion");

13 WHEREAS, the Court's ruling on the Equinix Standing Motion will determine the
14 threshold issue of Plaintiff's standing to file and maintain a derivative lawsuit on behalf of
15 Equinix;

16 WHEREAS, Plaintiff and Equinix, through their counsel, intend to meet to discuss the
17 lawsuit and its possible resolution before the Equinix Standing Motion is filed;

18 WHEREAS, the parties believe that the resources of the Court and the parties are best
19 conserved, and the interests of judicial economy are best served, by deferring the filing of the
20 responses to the Complaint, or any additional motions to dismiss the Complaint, until after the
21 Court has decided the Equinix Standing Motion;

22 WHEREAS, Equinix and Plaintiff believe that they will each require more than 15 pages,
23 but no more than 25 pages, to brief fully the anticipated Equinix Standing Motion and opposition
24 thereto;

25 WHEREAS, the Court's order dated October 13, 2006 ("October 13, 2006 Order") set the
26 initial case management conference in the above-captioned action ("Initial CMC") for March 9,
27 2007, and set certain deadlines related to the ADR Multi-Option Program;

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1 WHEREAS, the parties believe that it is premature to engage in the ADR Multi-Option
2 Program at this time, and will be prepared to discuss this item with the Court at the Initial CMC;

3 WHEREAS, the parties believe that the resources of the Court and the parties are best
4 conserved, and the interests of judicial economy are best served, by continuing the Initial CMC
5 until the date of the hearing on the Equinix Standing Motion; and

6 WHEREAS, Plaintiff purports to have properly served all of the defendants named in this
7 action except for Philip J. Koen, Steven T. Clontz, and Steven P. Eng, and Defendants dispute the
8 propriety of the purported service on certain of the defendants named in this action;

9 IT IS HEREBY STIPULATED AND AGREED, pursuant to Northern District of
10 California Civil Local Rule 6-1, by and between the undersigned counsel for the parties, as
11 follows:

12 1. The Equinix Standing Motion. Equinix will file a motion to dismiss the Complaint
13 on the ground that Plaintiff lacks standing to sue on Equinix's behalf on or before April 19, 2007;
14 Plaintiff will file his opposition to Equinix's motion to dismiss on or before June 4, 2007; and
15 Equinix will file its reply to Plaintiff's opposition on or before July 3, 2007. The briefs in support
16 of and opposition to the motion to dismiss may not exceed twenty-five pages in length, and
17 Equinix's reply to Plaintiff's opposition may not exceed fifteen pages in length, exclusive of title
18 pages, indices of cases, table of contents, exhibits, and summaries of argument, if required.

19 2. Responses to the Complaint. Other than as set forth above in Section 1, Equinix
20 and the individual defendants shall have no obligation to respond to or move to dismiss the
21 Complaint at this time. Following the Court's resolution of the Equinix Standing Motion, the
22 parties shall meet and confer regarding a schedule for any necessary responses to or motions to
23 dismiss the Complaint.

24 3. Initial Case Management Conference. The initial case management conference,
25 currently set for March 9, 2007, shall be continued to the same date as the hearing on Equinix's
26 Standing Motion, and the deadline for the parties to file a joint case management statement,
27 consistent with the terms of the Court's October 13, 2006 Order, shall be no later than five (5)
28 court days prior to this conference. The deadlines in the Court's October 13, 2006 Order

regarding the ADR Multi-Option Program are vacated and the parties shall be prepared to discuss this item at the initial Case Management Conference.

4. By entering into this Stipulation, Defendants do not waive any right to challenge the sufficiency of the purported service on any of the defendants named in the above-captioned action.

IT IS FURTHER STIPULATED, pursuant to Northern District of California Civil Local Rule 6-1, by and between the undersigned counsel for the parties, that the parties may enter into and submit a further appropriate stipulation amending this filing.

Dated: February 16, 2007

FENWICK & WEST LLP

By: _____/s/

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Dated: February 16, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS, LLP

By: _____/s/

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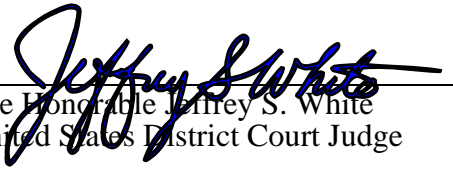
Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from Travis E. Downs, III.

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1 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.** The Standing Motion shall be
2 noticed for hearing on July 27, 2007.

3 DATED: February 20, 2007

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The Honorable Jeffrey S. White
United States District Court Judge

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